

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2500 of 1985

Date of decision: 26-9-1996

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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BHAILALBHAI M PATEL

Versus

G S R T C  
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Appearance:

MR KG SHETH for Petitioner

MR HARDIK C RAWAL for Respondent  
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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 26/09/96

ORAL JUDGEMENT

The petitioner filed claim application No.343 of 1982 before the Motor Accident Claims Tribunal at Himatnagar for recovering compensation of Rs.50,000/against respondent for the injury caused in the motor vehicle accident. Neither the petitioner nor his advocate had appeared on many dates in the case before the M.A.C.T. The claim petition was therefore dismissed on 17th November, 1983. The request for adjournment was made and the court considered it to be a case where no indulgence has to be granted and as such the petition was dismissed. The application filed by the petitioner for restoration of the claim petition has been dismissed by the Tribunal under order dated 22nd March, 1984.

2. Learned counsel for the petitioner contended that there was sufficient cause for the absence of the claimant before the Claim Tribunal and as such the claim application should have been restored. On the other hand Mr. Hardik Raval, counsel for the respondent contended that neither the petitioner nor his advocate was keen to pursue the claim application and at every stage they had neglected the proceedings. It has further been contended that not only neglecting the proceedings, but the petitioner has also made false statement in the application for restoration of the claim application.

3. I have given my thoughtful consideration to the submissions made by the learned counsel for the parties. From the order of the Claims Tribunal I am satisfied that the petitioner's counsel was not taking seriously the claim application. Almost on all the dates except the last date when the request was made for adjournment, neither the petitioner or his advocate was present before the Tribunal, and still the petitioner made request for adjournment. The restoration of application could have been there only if the applicant had made out sufficient cause for absence of the advocate or himself. Here is a case where the petitioner has deliberately made false statement. I do not find any illegality in the order made by the Accident Claims Tribunal which calls for interference by this court sitting under Article 227 of the Constitution of India.

4. In the result the special civil application fails and the same is dismissed. Rule discharged. No order as to costs.

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CSM